

REMARKS

This Preliminary Amendment cancels claims 1-36, and adds claims 37-83. No new matter is involved. Consideration of this application, as amended, is respectfully requested.

Applicants respectfully submit that all claims patentably define over U.S. Patent 4,664,905 to Meyer, cited and applied in the International Stage of this PCT Application. Meyer does not, either expressly or inherently, disclose all features of the recited method and/or all features of the recited system, or all features of the recited product.

Meyer, for example, discloses using non-nutrient levels of zinc chloride (2500 parts per million to 13000 parts per million) as a chemical reagent to simply change bypass protein percent of defatted single source proteins (e.g., soybean meal or canola meal or cottonseed meal or sunflower meal or peanut meal or corn gluten meal).

Meyer does not change the basic nutrient makeup of the byproduct by adding crude protein and/or amino acid content nutrient sources to the starting materials, as recited. Instead, Meyer simply adds non-nutrient amounts of zinc salts and only increases the bypass protein of defatted single source proteins.

Applicants, on the other hand, change not only the bypass protein percentage, but also change the crude protein and/or amino acid levels of the starting materials.

The claimed invention clearly recites a combination of features, including a method of, and/or a system for, and/or a product made by the method of changing the crude protein and/or amino acid levels of the starting materials by adding crude protein and/or amino acid containing nutrient sources, and, using heat, change at least one of the bypass protein (RUP/UIP) level, amino acid levels in the RUP/UIP, and the post ruminal digestibility of the by-product nutrient source mixture to the determined nutrient level.

Accordingly, the claimed invention patentably defines over Meyer.

The claimed invention also clearly patentably defines over U.S. Patent 6,312,710 to Julien, cited and applied in the International Stage of this PCT Application. In addition to not disclosing or suggesting predetermining a nutrient level and changing the temperature of a mixture to reach that level, Julien does not disclose producing, either expressly or inherently, a bypass protein, let alone an increase in bypass protein levels, as claimed. Julien discloses that his product is highly soluble in the rumen, whereas a high bypass protein content means reduced solubility. Julien also reduces post ruminal digestibility, i.e., does not increase it, as recited. Julien produces nitrogen fractions to be consumed by microbes in the rumen whereas the claimed invention produces a by-product to bypasses the rumen, which means that it is not consumed by these microbes.

Applicants have not been able to find where Julien discloses, expressly or inherently (i.e., necessarily) that he is producing a bypass protein or, as claimed, increasing bypass protein levels.

Accordingly, Applicants respectfully submits that the claimed invention patentably defines over Meyer and Julien.

Requested Personal Interview

Applicant wishes to set up a personal interview with the Examiner, which at least one of the named inventors wishes to attend, along with Applicants' undersigned representative, prior to the first Office Action in this U.S. National Stage Application.

This was discussed with Examiner Madsen, who agreed to conduct such an interview.

Conclusion

Applicants respectfully request that the Examiner schedule a personal interview for this Application, and consider the arguments presented above prior to preparation of any Office Action in this U. S. National Stage Application.

In this regard, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8076, in the Washington, D.C. area to schedule the requested personal interview.

Favorable consideration of this Request for Personal Interview and of the pending claims is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17.

Respectfully submitted,

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